IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DIVISION
LUFKIN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
JAN 25 2017
BY
DEPUTY

EX Parta
Charles D.Raby
v.
Paul Tolly et al

Civ act no 9:13-cv-00120

TO HONORABLE JUDGE ZACK HAWTHORN

Sir i am writing to you once again regarding the photos I was recently denied, I was able to obtain them,
I am not sneding them to the court to view along with a description of what I feel is important.

As exhibits 1-51 (PHOTOS,STILL FRAME PHOTOS OF SURVEILLANCE VIDEO)

exhibit 52 (Computer Maintenance lot. User ID PT03572)

in support of my motion to compel defendant's to release Computer Activty log.

EXHIBIT DESCRIPTION

ex 8. Tolly has a hold of leg and is not being kicked

ex 9 Tolly spins me around putting his back against wall

ex 10. Tolly on the ground, my feet in the air flaying about , making no INTENTIONAL contact with Tolly if any contact at all was made.

ex 11 Tolly on ground feet in the air. No intentional contact

ex 12 Tolly on ground feet in air with not intentional contact my legs are spread open by Tolly's body.

ex 13 Tolly on ground still between legs

ex 14 Tolly still on ground, legs open making no intentional kicking motions

ex 15 More of the same

ex 16, 17 and 18 more of the same.

Please notice there were no 'repeated kicks to Tolly's head as he said in his incident report.

ex 19 show i am in the process of being rolled over feet up in the air making no contact with Tolly's head. and no intentional kicks to his body

ex 20 Still being rolled over both feet away from Tollys body.

ex 21,22,23,2425 26,27,28,29 and 30 show me being rolled over and feet nowhere near Tolly's head and NOT kicking his body

ex 1-51 do not show Valentive getting 'kicked' on the side of side of his head. Much less with enough force to cause the red mark in the photo of his head, and the start of the bruise on his ear. Such a hard kick would had shown even the slightest bit of head movement. (see photo defendant's Exhibits of Valentines head.

ex 21 -32 show the position of my head which is flat against the floor and more importantly the position of Floyd's elbow, The court should watch the white part of Floyd's arm which is in the area of this 'scratch' is just above the crook of his arm.

The position of my head/face flat on the floor and floyd's arm would make it factually impossible for me to lift my head up off the floor and twist and turn it in such a manner to cause that scratch mark which is again, slightly above the crook of his arm. (see defendant's exhibit's of 'Scratch' of Floyd's arm.)

By tracking the position of my head and Floyd's arm/elbow, the court can see that this 'bite' was not made by me.

ex 30 - 51 By looking at the position of Floyd's body, we can determin that his left arm/elbow is on the back of my left shoulder, and in such a position it would be impossibe for m eto life my head up off the flood turn it in such a manner to cause that scratch/'bite' mark on Floyd's arm.

ex 35 - 44 show from the position of Floyd's body that he is watching Tolly beat me in the face.
Tolly's 'justified' reason for doing so it that I was biting Floyd. These photos along with the video, (if the court could watch it in slow motion) show it did not happen. by viewing these exhibits, the court can see once my head hit the floor, it did not life off the floor.
By looking closely at the photos the court can see that Floyd's arm is nowhere near my mouth. So the question is--just where did this 'bite' come from.
the same can be said about the red mark and start of the bruise on the side of valentines head.--if it isn't seen on the footage, or in these photos, again---just where did this red mark and bruise to his ear come from?
The position of Floyd's body is a tell tell sign that his elbow is on my shoulder.
the court can see from ex 42 and by viewing the video, After Floyd saw Tolly drop to his knee and start to beat me, his only reaction is to turn his head in disbelief.
Again I point out to the court that
1. Floyd never wrote me any displanary cases for biting him or spitting on and or at him.
2. I was never placed on 'paper mask' restriction, which is what one is placed on which they spit or bite.
3. Floyd never sought any medical treatment for HIV, Hep A.B od C. or anything else tht could/can be contracted from a human bite mark.
Floyd never in his wildest dreams thought I would see his incident report.

Although it may look like I am kicking due to my feet flaying uncotrolablely in the air. If the court was to view this Video in slow motion, as i have had several friends do, then the court will see as have my firends, there were no kickes to Valentines head, no kicks to Tollys head or body, or no intentional kicks to Tolly's body, The court will see, there is no force behind the 'kicks' of leg movements.

These incidents are flase and the evidence does not support their lies. which were excepted by McMullen, Muniz and Alford.

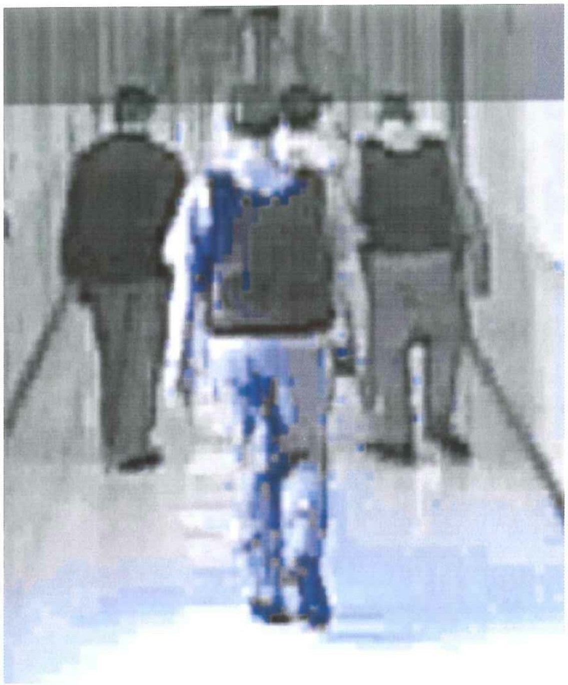
I would like to now point to plaintiffs exhibt 51.
ex 51 is a Confidential 'Maintence log'.

Sir, I have been locked up on this case since October 18 1992...I have never even touched a computer before. So I have no clue about what i am fixing to say...but my common sense...that yes sometimes seems to leave me. tells me that these wouldn't be too much difference between a mantenance log and a computer activity log.
please note 'User' PT03572.
What that is I would take a chance and guess is P-for Daul TO for TOlly along with his personal user log in ID number 3572.

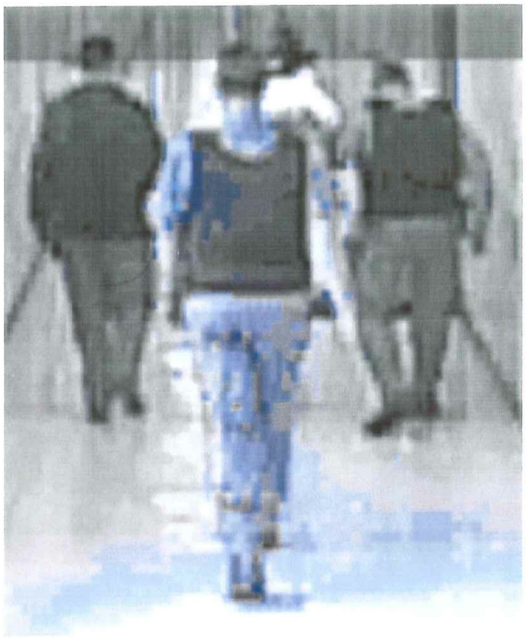
Your Honor, I would be will to say that former 12 Building Major Virgial McMullen and former Assistant Warden Donald Muniz and Former Warded Richard Alford each are issused a 'user ID Log in number'.
and if so, it would look something like this. example
1234 VMC V-for Virgial MC for McMullen
5678 DMU D for Donald MU for Muniz
9876 RAL R for Richard and AL for Alford.

And i would assume that each one has a maintenance log-log. under the Report number MA-06871-12-12.
These maintenance logs were not included in any of the evidence Defendant's have sent.
I feel the defendants need to provide me with these maitenance logs.
they are relavent. But also any maintenance log related to this report.

My point of bringing this to your attention is, Again sir i have no clue as to what I am fixing to say, but I would think that the 'computer activity log will have these User ID numbers and names. And show from the time period of 12-29-2012 thru 1-11-2013 each and everyone who viewed the entired 20 minute video. But also just how much was actually recorded and from how many cameras.

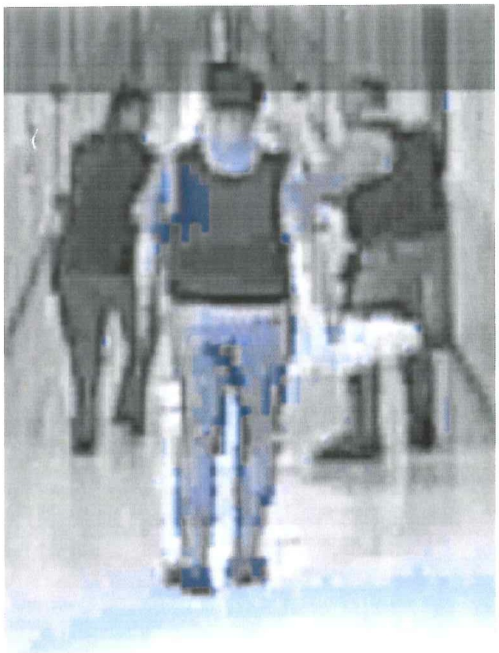


14:40:34.791 EX 1

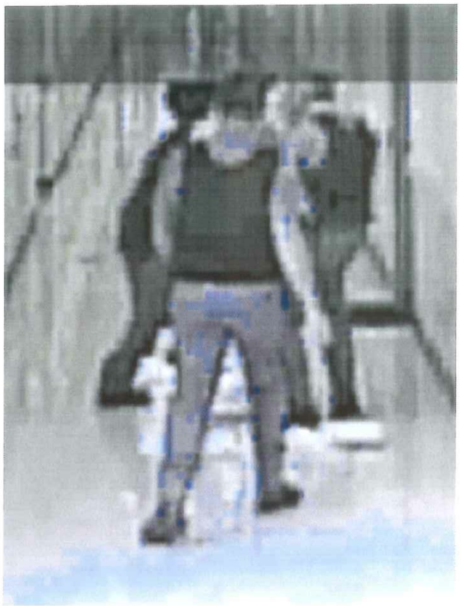


EX 2
14:40:35.147

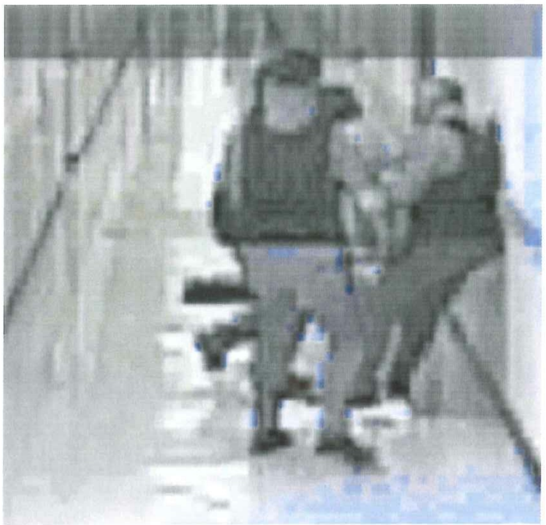
14:40:35.361 EX 3



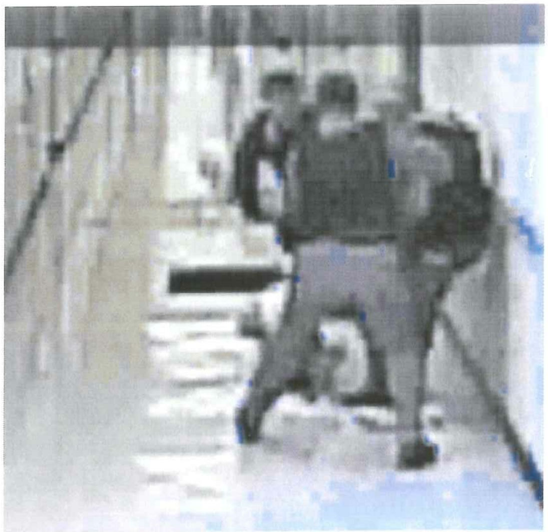
EX 4
14:40:35.717



14:40:36.074 EX 5



EX 6
14:40:36.502

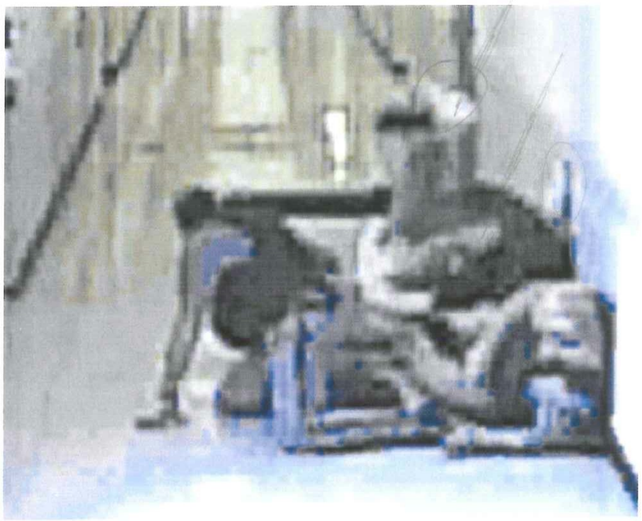


EX 7
14:40:36.930

EX 8
14:40:37.144

14:40:37.429 EX 9

14:40:37.857 EX 10



14:40:38.135 EX 11

14:40:38.676 EX 12

14:40:39.370 EX 13

14:40:39.798 EX 14

14:40:40.084 EX 15

14:40:40.155 EX 16

14:40:40.226 EX 17

14:40:40.868 EX 18

14:40:41.082 EX 19

14:40:41.153 EX 20

MY FACE ON FLOOR

14:40:41.581 EX 21

FACE ON FLOOR

14:40.41.866 EX 22

Floyds Elbow

FACE ON FLOOR

14:40:42.223 EX 23

Floyd Elbow

~~My Face~~

My Face

14:40:42.651 EX 24

Floyds elbow
FACE ON FLOOR

14:40:43.150 EX 25

ELBOW
FACE ON FLOOR

14:40:43.863 EX 26

Elbow
FACE ON FLOOR

EX 27

14:40:44.513

Elbow
ON FLOOR

14:40:45.091 EX 28

Elbow
FACE ON FLOOR

14:40:45.804 EX 29

Elbow
ON FLOOR

14:40:46.446 EX 30

Elbow

Face on Floor

14:40:47.444 EX 31

Face on Floor

14:40:47.943 EX 32

14:40:49.014 EX 33

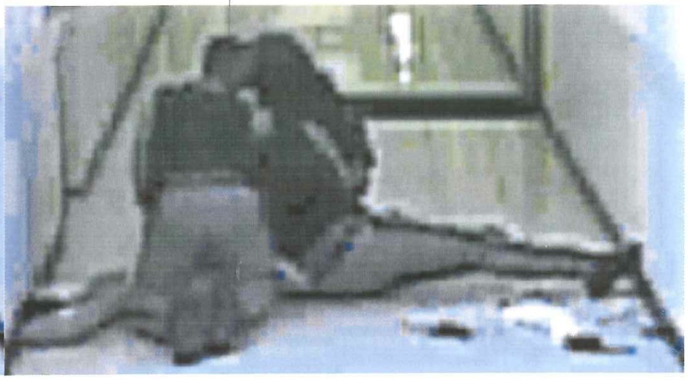
On Floor

14:40:49.726 EX 34

14:40:50.084 EX 35

14:40:51.168 EX 36

14:40:51,454 EX 37



14:40:52.096 EX 38

14:40:52.737 EX 39

14:40:53.023 EX 40

14:40:55.946 EX 41

14:41:00.455 EX 42

In this still frame Floyd's only reaction is to look away.

EX 43

14:41:02.820

14:41:03.323 EX 44

14:41:06.461 EX 45

14:41:09.186 EX 46

14:41:12.111 EX 47

EX 48

14:41:14.108

14:41:19.044 EX 49

14:41:19.828 EX 50

14:41:22.126 EX 51

1

ISUF0200/UF02/OPT:2 TEXAS DEPARTMENT OF CRIMINAL JUSTICE 2012/12/29 15:43:45
PT03572 /TLMK/INMTCICS MAJOR USE OF FORCE-INFORMATION ON PARTICIPANTS PAGE 1
REPORT NUMBER: MA-06A71-12-12 UNIT: POLUNSKY CRD2/CP02/OPT:2

C O N F I D E N T I A L

MAINTENANCE LOG:

DATE	USER	TRANSACTION
2012-12-29	PT03572	REPORT CREATION

DATE FORCE WAS USED: 12/29/2012
TIME FORCE WAS USED: 14:55
LOCATION ON UNIT WHERE FORCE OCCURRED: HALLWAY/WALKWAY/CORRIDOR
REASON FOR USING FORCE:
ASSAULTED STAFF WITHOUT A WEAPON
IF FORCE WAS NOT REPORTED WITHIN 24 HOURS, INDICATE REASON WHY:

FIREARM INTENTIONALLY DISCHARGED: N
CHEM AGENTS USED: N
DELIVERY SYSTEM USED:
OFFENDER PARTICIPANTS INJURED DURING USE OF FORCE: Y
EMPLOYEE PARTICIPANTS INJURED DURING USE OF FORCE: N
VOID REPORT: N REASON:

NAME OF OFFENDER(S) WHO PARTICIPATED:

TDCJID	NAME	CUSTODY	SEX	RACE	AGE	MED-EVAL
00999109	RABY,CHARLES DOUGLAS	D1	M	W	42	01

NAME OF EMPLOYEE(S) WHO PARTICIPATED:

ID#	NAME	RANK	SEX	RACE	AGE	MED
[redacted]	FLOYD, AARON K	CORRECTIONAL OFF IV	M	W	31	
	TOLLY, PAUL D	LIEUTENANT OF CORR OF	M	W	39	
	VALENTINE, TERRY L	SERGEANT OF CORR OFF	M	W	37	

19 January 2017

Dear Mr Maland

Re: Raby V. Tolly et al
Civil action No 9:13-cv-00120

Sir Please find enclosed a letter to the court I wish to be filed along with exhibits 1-51 Photos and exhibit 52. Maintenance log.

Thank you for your time

Sinserely

Charles Raby Pro Se

Charles D. Raby pro Se.

If the defendants on objection is that I didn't ask them first. That is a pretty weat objection. More so considering that since counsel made me aware I cold ask them first , have done nothing whatsoever in regards to my last two-three letters to them asking for help in obtaining these ~~xidoox~~ photos. and since the defendants didn't respond to my request about preserving surveillance footage of these photos being denied, i think it is safe to say no such request of inquiary was made reagrding the photos or preservation of surveillance footage.

If they had...it was not made aware to me.

if they have not, it just goes to show and stands to reason they would not and will not willingly turn over any evidence that can and will be used agaisnt them.

Defendants weak objection of I didn't ask them first is just that,pretty weak in a reason for not wanting me to have acess to the computer activity log.

they didn't argue security or confidential. And I hope the court will rule on my motion to compel in my favor.

These maintenance logs from everyone who who took part in this report number MA-06871-12-12 should had been been included.

They can't just provide me with Tolly's and not McMullens, Muniz or Alfrods. yet it is the Computer activity log that should have these User ID numbers. related to and only to report MA-06871-12-12. From 12-29-2012 to 1-11-2013.

I thank you for taking the time to read me Sir.

respectfully submitted

Charles Raby Pro Se

Charles Douglas Raby Pro Se.

1-19-2017

Charles Raby 999109
Polunsky unit
3872 FM 350 S.
Livingston TX 77351

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To: David J. Maland: Clerk of the court.
U.S. District court
104 N. Third St
Lufkin TX 75901